

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

United States of America,)	ORDER GRANTING GOVERNMENT'S ORAL MOTION TO CORRECT INDICTMENT
)	
Plaintiff,)	
)	
vs.)	Case No. 3:22-cr-150
)	
Matthew Charles Farmer,)	
)	Defendant.
)	

Before the Court is the Government's oral motion to amend or correct indictment, made at the change of plea hearing on May 8, 2023. Doc. No. 25. After filing the indictment, the Government learned it contains a typographical error. Count one lists "Title 18, United States Code, . . . 924(a)(2)" rather than "Title 18, United States Code, . . . 924(a)(8)." Doc. No. 1. The Government moved to amend or correct the indictment to reflect the correct statute subsection in count one. The Defendant was aware of the error and does not object.

"As a general rule, an indictment may not be amended." United States v. Ross, 210 F.3d 916, 922 (8th Cir. 2000). However, an indictment may be amended when the change concerns matters of form rather than substance. United States v. Neff, 525 F.2d 361, 363 (8th Cir. 1975) (holding that the change of a weapon's serial number did not require dismissal). With no objection from the Defendant, the Court finds this was clerical form error and that no prejudice will result from the correction based on the specific facts of this case.

As stated on the record during the change of plea hearing, the Government's oral motion to amend or correct the indictment is **GRANTED**. The indictment shall be corrected to reflect that the statutory subsection in count one should be "Title 18, United States Code, . . . 924(a)(8)"

rather than “Title 18, United States Code, . . . 924(a)(2).” The Government shall submit a corrected Indictment to the Clerk for filing.

IT IS SO ORDERED.

Dated this 10th day of May, 2023.

/s/ Peter D. Welte

Peter D. Welte, Chief Judge
United States District Court